

CHAPTER 10

EMPLOYEE REPORTS OF UNSAFE/UNHEALTHFUL WORKING CONDITIONS

1001. Discussion

a. This chapter provides guidance on establishing a channel of communication between Navy civilian and military employees and those supervisory personnel responsible for safety and health matters for the purpose of ensuring prompt response to, and analysis of, reports of alleged unsafe or unhealthful working conditions.

b. Identifying and reporting potentially unsafe or unhealthful working conditions is the responsibility of all Navy employees, both military and civilian. The employee has the right to decline a task because of a reasonable belief that there is an imminent risk of death and insufficient time for normal hazard reporting and abatement actions.

1002. Hazard Reporting

Detecting unsafe or unhealthful working conditions at the earliest possible time and making prompt corrections of these hazards at the lowest possible working level are essential elements of the NAVOSH program. Naval activities shall use the following procedures for submission of employee reports of unsafe or unhealthful conditions in the workplace:

a. Immediately report unsafe or unhealthful working conditions. Since many safety and health problems can be eliminated as soon as they are identified, commanders shall encourage all Navy employees to orally report unsafe or unhealthful working conditions to their immediate supervisor who shall promptly investigate the situation and take appropriate corrective actions. Supervisors shall contact the activity occupational safety and health (OSH) office for assistance, as necessary. Supervisors shall inform the reporting employee of all action taken on oral reports.

b. Submit a report of unsafe or unhealthful working condition. Any Navy employee (or employee representative) may submit a report of an unsafe or unhealthful working condition directly to the activity OSH office. OPNAV 5100/11 shown in appendix 10-A may be used for this purpose. Commands shall post blank copies of this or a similar form and procedures for its use in areas convenient to all workplaces (e.g., official bulletin boards, time clocks, etc.). The form used shall include a provision for an employee to indicate his/her desire to remain anonymous, should he/she wish.

Employees may make an oral report to the OSH office instead of a written report. In these cases, the OSH office will transcribe the information into a written report.

c. Maintain records of all reports filed. The OSH office shall maintain records of all hazard reports received. Records shall include: date, time, identifying reference number, location of condition, brief description of condition, hazard classification, and the date and nature of action taken. When necessary, the OSH office shall contact the employee making the report and/or advise the cognizant supervisor that a hazard has been reported.

d. Promptly investigate all reports. The OSH office shall investigate all reports brought to its attention (alleged imminent danger situations within 24 hours and potentially serious situations

within 3 days). If the reported situation involves a health hazard, as opposed to a safety hazard, the OSH office shall refer the report to the cognizant medical activity for investigation as necessary.

e. Provide an interim response to the report originator. The OSH office shall provide an interim or complete response in writing to the originator of a written report within 10 working days of receipt. Interim responses shall include the expected date for the complete response. If the investigator validates the reported hazard, the complete response shall include a summary of the action taken for abatement. If no significant hazard is found to exist, the reply shall include the basis for the determination.

f. Encourage the originator to follow through if he/she is dissatisfied. The complete response shall encourage, but not require, the originator to informally contact the OSH office if he or she desires additional information or is dissatisfied with the response. Complete responses shall indicate that formal appeals can be made and shall state or provide the reference for procedures for making appeals and appeals levels.

g. Handle grievances separately from hazard reporting. A hazard report is not a grievance. In the event that a hazard report also involves a grievance action, the OSH office shall notify the complainant that the processing of the hazard report will be separate from the grievance response. In no case will a grievance action delay an OSH Office response to a report of an unsafe or unhealthful working condition.

1003. Appeals

a. If the originator of a report is dissatisfied with the assessment made by the activity OSH office of the alleged hazard or with action taken to abate a confirmed hazard, the activity OSH office shall encourage the employee to confer with it to discuss the matter further. If the originator remains dissatisfied after such discussion, he/she may appeal to the activity commanding officer. The written appeal shall contain at least the following information:

(1) A description of the alleged hazard including its location and standards violated, if known (a copy of the original hazard report shall suffice)

(2) How, when, and to whom the original report of the alleged hazard was submitted

(3) What actions (if known) were taken as a result of the original report.

(4) A statement explaining why the actions taken as a result of the original report were unsatisfactory and are being appealed.

b. The activity commander, or his/her representative, shall respond to the originator of the appeal within 10 working days. The response shall contain the office and address of the next higher level of appeal.

c. If the employee is still dissatisfied or has not received a response within 20 working days, he/she may appeal to the next higher level of command. The originator may submit subsequent appeals if still not satisfied with the action taken as a result of the previous appeal. The sequence of appeals shall be through Echelon Four, Three or Two, the Chief of Naval Operations (CNO)

(N454), the Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)), and the Assistant Deputy Under Secretary of Defense (Safety and Occupational Health Policy) (ADUSD(SH)). Each appeal shall include the information prescribed in paragraphs 1003a(1)-(4) with emphasis on the actions taken by the reviewing authority on the previous appeal and reasons why the originator is still not satisfied. Paragraph 1003b prescribes each response by the reviewing authority.

d. The final appeal authority for military personnel is the Deputy Under Secretary of Defense (Environmental Security) DUSD(ES). In the event that a civilian employee is not satisfied with the response from DUSD(ES); he/she may contact the Office of Federal Agency Safety Programs, US Department of Labor, Washington, DC 20210.

1004. Reports to the Occupational Safety and Health Administration (OSHA)

Section 1002 provides a mechanism for all Navy employees to report unsafe and unhealthful working conditions to the appropriate authority for in-house resolution. Navy civilian employees may, at any time, submit complaints alleging workplace hazards directly to the Department of Labor (DOL) (OSHA). Navy civilian employees do not have to exhaust their chain of appeal before reporting a hazard to their cognizant federal OSHA office; however, the Secretary of Labor encourages employees to use the Navy in-house hazard reporting procedures as they are usually the most expeditious means to achieve abatement. Reports to the DOL OSHA may serve as the basis for investigations or inspections by OSHA officials. See chapter 11 for guidance concerning such investigations or inspections.

1005. Responsibilities

Activity commanders, commanding officers, or officers in charge shall:

a. Publicize (e.g., posting, training) the existence of the employee hazard reporting program and notify personnel regarding their rights and obligations in regard to reporting hazardous situations.

NOTE:

Posting DD 2272, DOD Occupational Safety and Health Protection Program, alone is not sufficient notification to personnel of the existence of the employee hazard reporting program, nor is it sufficient explanation of their right to participate.

b. Maintain the anonymity of personnel making a report or named in a report if requested by the reporting or named employee.

c. Encourage the submission of oral reports to supervisors as the quickest and most effective method of hazard identification and correction.

d. Ensure that standardized hazard reporting forms and procedures are available to all personnel.

e. Include safeguards to ensure that the command does not subject Navy employees to restraint, interference, coercion, discrimination, or reprisal by virtue of their participation in the activity's OSH program.

NOTE:

Personnel shall file allegations of reprisal for such participation under existing grievance procedures.

f. Maintain adequate recordkeeping practices and retain records for at least 5 years following the end of the calendar year in which final action on a report was undertaken.

Appendix 10-A
Navy Employee Report of Unsafe or Unhealthful Working Condition

OPNAV 5100-27

NAVY EMPLOYEE REPORT OF UNSAFE OR UNHEALTHFUL WORKING CONDITION	
<i>THIS FORM IS PROVIDED FOR THE ASSISTANCE OF AN EMPLOYEE AND IS NOT INTENDED TO CONSTITUTE THE ONLY METHOD BY WHICH A REPORT MAY BE SUBMITTED</i>	
1. THE UNDERSIGNED (check one) EMPLOYEE REPRESENTATIVE OF EMPLOYEES	
BELIEVES THAT A VIOLATION OF AN OCCUPATIONAL SAFETY OR HEALTH STANDARD WHICH IS A JOB SAFETY OR HEALTH HAZARD HAS OCCURRED AT	
a. Navy installation/activity and mailing address	
b. Building or worksite where alleged violation is located, including address	
2. NAME AND PHONE NUMBER OF GOVERNMENT SUPERVISOR AT SITE OF VIOLATION	
3. DOES THIS HAZARD IMMEDIATELY THREATEN DEATH OR SERIOUS PHYSICAL HARM? NO YES	
4. BRIEFLY DESCRIBE THE HAZARD WHICH EXISTS INCLUDING THE APPROXIMATE NUMBER OF EMPLOYEES EXPOSED TO OR THREATENED BY SUCH HAZARD	
5. IF KNOWN, LIST BY NUMBER AND/OR NAME, THE PARTICULAR STANDARD (OR STANDARDS) ISSUED BY THE AGENCY WHICH YOU CLAIM HAS BEEN VIOLATED	
6. TO YOUR KNOWLEDGE, HAS THIS VIOLATION BEEN THE SUBJECT OF ANY UNION/MANAGEMENT GRIEVANCE OR HAVE YOU (OR ANYONE YOU KNOW) OTHERWISE CALLED IT TO THE ATTENTION OF, OR DISCUSSED IT WITH, THE GOVERNMENT SUPERVISOR	
NO YES (List results, including any efforts by management to correct violation)	
7. EMPLOYEE NAME (PLEASE PRINT OR TYPE CLEARLY)	8. EMPLOYEE SIGNATURE
9. EMPLOYEE ADDRESS	10. EMPLOYEE PHONE NUMBER
11. MAY YOUR NAME BE REVEALED? NO YES	12. ARE YOU A REPRESENTATIVE OF EMPLOYEES? NO YES (List organization name)
13. DATE FILED:	

OPNAV 5100/11 (11-92)

Appendix 10-A

Enclosure (1)